

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA

FILED

2016 JUN -2 A 11: 11

U.S. DISTRICT COURT  
N.D. OF ALABAMA

Inmate Identification Number: 194417

Daniel Bartholomew Clark

Plaintiff

VS.

Guy Noe,  
Bradley Howard,  
Steven Johnson,  
Nathaniel O'Dell,  
Jeremy Rice,  
Scott Raper,  
Georgetta Wallace,  
Brian Smith,  
Nurse Shoulders,

Defendants.

## NOTICE TO FILING PARTY

*It is your responsibility to  
Notify the clerk in writing of any  
Address change.**Failure to notify the clerk may  
Result in dismissal of your case  
Without further notice.*

CV-16-HA-0920-S

## I. Previous Lawsuits

A. Have you begun other lawsuits in state or federal court(s) dealing with the same facts involved in this action or otherwise relating to your imprisonment?

Yes ( ) No(XX)

B. If the answer to (A) is "yes" described each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuit(s) on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiff: \_\_\_\_\_

Defendant(s): \_\_\_\_\_

2. Court (if Federal Court, name the district; if State Court, name the county) \_\_\_\_\_

3. Docket number \_\_\_\_\_

4. Name of judge to whom case was assigned \_\_\_\_\_

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?) \_\_\_\_\_

6. Approximately date of filing lawsuit \_\_\_\_\_

7. Approximately date of disposition \_\_\_\_\_

II. Place of present confinement Staton Correctional Facility

A. Is there a prisoner grievance procedure in this institution?

Yes (XX) No ( )

B. Did you present facts relating to your complaint in the state prisoner grievance procedure?

Yes (XX) No ( )

C. If your answer is YES:

1. What steps did you take? I submitted a grievance according to the medical procedure.

2. It was returned stating the issue was an ADOC issue and Corizon Health would speak with ADOC.

D. If your answer is NO, explain why not: \_\_\_\_\_

III. Parties

In item (A) below, place your name in the first blank and place your present address in the second blank.

A. Name of Plaintiff(s) David Bartholomew Clark

Address Staton Correctional Facility, 2690 Marion Spillway Road, Elmore, AL 36025

In item (B) below, place the full name of the defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use item (C) for the names, positions, and places of employment of any additional defendants.

B. Defendant Guy Noe, is employed as Warden I, at Decatur Work Release, 1401 Hwy 20 W, Decatur, AL 35601

C. Additional Defendants Sgt. Bradley Howard, Shift Supervisor, at Decatur Work Release, 1401 Hwy 20 W, Decatur, AL 35601

C.O. Steven Johnson, Correctional Officer, at Decatur Work Release, 1401 Hwy 20 W, Decatur, Al. 35601

C.O. Nathaniel O'Dell, Correctional Officer, at Decatur Work Release, 1401 Hwy 20 W, Decatur, Al. 35601

C. O. Jeremy Rice, Correctional Officer, at Decatur Work Release, 1401 Hwy 20 W, Decatur, Al. 35601

C. O. Scott Raper, Correctional Officer, at Decatur Work Release, 1401 Hwy 20 W, Decatur, Al. 35601

Brian Smith, <sup>Correctional Officer</sup> [REDACTED], at Decatur Work Release, 1401 Hwy 20 W, Decatur, Al. 35601

Georgetta Wallace, Nurse Corizon Health Care, at Decatur Work Release, 1401 Hwy 20 W, Decatur, Al. 35601

Nurse Shoulders, Nurse Corizon Health Care, at Decatur Work Release, 1401 Hwy 20 W, Decatur, Al. 35601

#### IV. Statement of Claim

State here, as briefly as possible the FACTS of your case. Describe how each defendant is involved. Include also names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheets, if necessary.

On March 6, 2016, around 7:30 a.m. I, David B. Clark was in a physical altercation with several inmates, which subsequently cause me to have a severe head wound. (It later was determined by M.R.I., that it was a severe concussion with busted blood vessels in my eyes). I was placed in Decatur Community Work Center's Lock up / holding cell unit without medical attention for over four and one half hours. Several requests were made by me and other inmates that my head was swelling to Sgt. Bradly Howard. I was told that Warden Noe told him to leave me in the lock up until another Nurse came in, which was scheduled for work over two hours more. Medical treatment was denied for over four hours.

As a result of this matter I am experiencing headaches and having seizures which did not occur before the incident.

The entire incident was allowed to continue for several minutes and several different areas. There was not sufficient security present, having only one (1) officer roving in the entire facility.

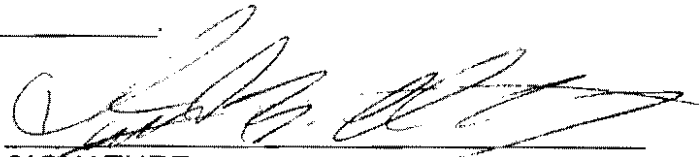
V. RELIEF

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

Relief this Court deems proper and just, and allow this cause to remain open for further review and entry.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 5-17-16

  
SIGNATURE

Staton Correctional Facility  
2690 Marion Spillway Road  
Elmore, Alabama 36025

AIS# 194417  
Daniel B. Clark

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA

**FILED**

DANIEL CLARK, AIS# 194417, )

PLAINTIFF, )

V. )

GUY NOE, WARDEN, et al., )

DEFENDANTS. )

2016 JUN -2 A 11:11

U.S. DISTRICT COURT  
N.D. OF ALABAMA

) CASE NO.: \_\_\_\_\_

CV-16-HA-0920-S

**AFFIDAVIT OF DANIEL CLARK**

I, Daniel Clark, first being duly sworn deposes on oath that I am over the age of twenty-one (21) and competent to testify to the facts stated herein. That on March 6, 2016, I was severely injured from inmate on inmate assaults. I was kicked in the head over my eye. I was going in and out of consciousness with excessive swelling and placed in the lock up cell. Sgt. Bradley said that he would not call or transport me, that Warden Guy Noe said leave me back in the lock up cell until the Nurse come to work. My head was swelling and my eyes were swelling. Inmates begun to wave at the camera to get the attention of roving officer(s). C. O. Steven Johnson entered the holding unit/lock up and told the inmates to stop yelling and blocking the cameras. They stating they were trying to get their attention for Clark. They asked the Officer to look at him. Defendant Steven Johnson said "I don't care", "block that camera and keep yelling I will write all of you up".

Officer Johnson left me lying on the floor. I crawled to the speaker on the wall and told them "that something wasn't right, Officer O'Dell took several pictures of me and they know that I am messed up bad, why want y'all get me some help." Moments after that I went into a seizure and blanked out. Once I came to Officers Scott Raper and Jeremy Rice were standing around me with other inmates. Defendant Raper told me he had helped roll me on my side when I was having a seizure, along with Defendant Rice.

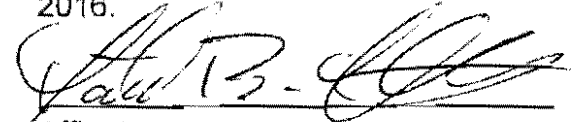
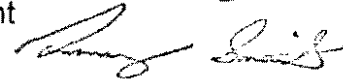
After about another hour I was finally taken out to Limestone Medical. Once I entered the medical unit, the Nurse's Staff immediately said "you guys were supposed to get him to a free world hospital. Look at his bleeding head wound. Get him to a hospital now".

I stayed five (5) days in medical observation with a sever concussion and busted blood vessels and both eyes swollen shut. Defendants Howard, Smith, Johnson, and O'Dell attempted to cover this matter up. They attempted to make a deal with me to not pursue this matter and they would not initiate disciplinary action. Upon my return to

Decatur, no living agreements and investigation in to the altercation was done. In fact, I was assigned a bed next to one of the persons involved in the altercation, placing me further at risk for injury or death.

State of Alabama  
County of Elmore

Sworn to and subscribed before my hand on this 27<sup>th</sup> day of May, 2016.

  
Affiant 

Notary Public

**My Commission Expires 10/23/2017**

My Commission Expires: \_\_\_\_\_